IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 664 OF 1987

Shri Bhimrao Vijraj Deshpande .. Applicant

vs

Dr. Motiram Atmaram Dixit & anr .. Respondents

..

Mr.D.A.Athavale for Applicant

Mr S.M.Dikshit for Respondents

CORAM : R.M.S.KHANDEPARKAR, J

DATE: 10TH SEPTEMBER, 2004

P.C.

1. It is the contention of the learned Advocate for the applicant in Revision Application who states that the said Civil Revision Application was disposed of by a judgment and order dated 10th Septemer, 1991 and therefore there was no occasion for this Court to pass any order of the nature passed on 17th December, 2002 in the said Revision Application. Learned Advocate for the respondents on the other hand states that subsequent to the judgment dated 10th September, 1991 a Civil Application No.5006 of 1991 was filed by the respondents and it was even moved for circulation before the learned Judge who has disposed of the Civil

Revision Application by judgment dated 10th September, 1991. He has further submitted that the said Civil Application No. 5006 of 1991 was taken up for hearing on 16th October, 1991 and as Advocate for the petitioner had not objected for recall of the judgment dated 10th September, 1991 the same was recalled and the Civil Revision Application was restored to board and that is how the Civil Revision Application was pending in this Court for disposal till December, 2002.

2. Records in relation to the Civil Revision Application No. 664 of 1987 as well as of the Civil Application No. 5006 of 1991 placed before this Court, certainly disclose the application having been filed by the respondents for recall of the judgment dated 10th September, 1991 and even a precipe was filed for placing the matter before the concerned learned Single Judge who had passed the judgment dated 10th September, 1991. However, the records do not disclose any order having been passed on the said application. Since it is the contention of the learned Advocate for the respondents that such order was in fact passed by the learned Single Judge, Registry is directed to make proper search of the records and place a copy of such an order if any passed by the learned Single Judge before this Court.

3. S.O. to 24th September, 2004.

4. Authenticated copy allowed.

(R.M.S.KHANDEPARKAR, J)